

October 25, 2004

JIM ST. JOHN  
7422 NE 120<sup>TH</sup> PLACE  
KIRKLAND WA 98034

Subject: Complaint Filed Against Board Members of the Snohomish Health District – PDC  
Case #04-665

Dear Mr. St. John:

The Public Disclosure Commission (PDC) staff has completed its investigation of your complaint alleging that members of the Snohomish County Health Board violated RCW 42.17.130 by using public facilities to vote upon a resolution supporting Initiative 890.

PDC staff reviewed your complaint in light of the following statute:

**RCW 42.17.130** states in part:

“No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for...the promotion of or opposition to any ballot proposition.

...[T]he foregoing provisions of this section shall not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view[.]”

You alleged that the members of the Snohomish County Health Board used public facilities to prepare and vote upon a resolution supporting I-890 at its May 11, 2004 meeting, with the intent of aiding the initiative’s sponsors in their signature gathering effort. You alleged that this use of public facilities constituted a violation of RCW 42.17.130.

We found that:

- The Snohomish County Health Board is a legislative body with the power to enact rules and regulations and to provide for their enforcement.
- The Health Board is composed of elected officials representing the Snohomish County Council and city council members and mayors from the 20 incorporated areas in Snohomish County. However, the members of the board are not elected to their positions on the board.
- The staff and the members of the Health Board were and are of the opinion that the board is an “elected legislative body” as referenced in RCW 42.17.130(1) because each member was elected to his or her position on the Snohomish County Council or on his or her respective city council in Snohomish County. As such, the board members believed they were entitled to vote upon a resolution supporting a ballot proposition.
- The Health Board listed the resolution concerning I-890 on the agenda published in advance of its May 11, 2004 meeting. Members of the Health Board were afforded the opportunity to express opposing views concerning the resolution.

PDC staff maintains that the Snohomish County Health Board is not an “elected legislative body” as referenced in RCW 42.17.130(1) even though its members have been elected to positions in other jurisdictions. Therefore, in staff’s opinion, the members of the Health Board do not have the authority to vote on a resolution supporting or opposing a ballot proposition. However, staff found that the board members acted in good faith in deciding that they were authorized to vote upon a resolution in support of I-890. Therefore, no further enforcement action is warranted in this instance.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against the members of the Snohomish County Health Board.

If you have questions, please feel free to contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie  
Executive Director

c: M.Ward Hinds, Health Officer, Snohomish Health District